

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GERALD SINGLETON,)	
)	
Plaintiff,)	Civil Action No. 2:11-cv-1431
)	
v.)	Chief Judge Gary L. Lancaster
)	Chief Magistrate Judge Lisa Pupo
PITTSBURGH BOARD OF)	Lenihan
EDUCATION, <i>et al.</i> ,)	
)	ECF No. 32
Defendants.)	

MEMORANDUM ORDER

The Complaint in the above captioned case was filed on or about November 9, 2011. This action was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 66), filed on August 24, 2012, recommended that the Motion to Dismiss filed by Defendants, the Pittsburgh Federation of Teachers, John Tarka, William Heilman, and John Bacharach (ECF No. 32) be granted and dismissed with prejudice as to Plaintiff's Section 1983 claim. The Report and Recommendation further recommended that Defendants' motion to dismiss the breach of duty of fair representation claim be granted and dismissed without prejudice so that Plaintiff may file such claim, should he so desire, in state court. Service was made on Plaintiff at his address of record and on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had

fourteen (14) days to file any objections. No objections have been filed to the Report and Recommendation.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 14 day of September, 2012,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants, the Pittsburgh Federation of Teachers, John Tarka, William Heilman, and John Bacharach (ECF No. 32), is **GRANTED** as to Plaintiff's Section 1983 claim and said claim is **DISMISSED WITH PREJUDICE** as to Defendants Pittsburgh Federation of Teachers, John Tarka, William Heilman, and John Bacharach.

IT IS FURTHER ORDERED that Defendants' motion to dismiss the breach of duty of fair representation claim is **GRANTED** and said claim is **DISMISSED WITHOUT PREJUDICE** so that Plaintiff may file such claim, should he so desire, in state court.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 66) of Chief Magistrate Judge Lenihan, dated August 24, 2012, is adopted as the opinion of the Court.



GARY L. LANCASTER
Chief United States District Judge

cc: Gerald Singleton, *Pro Se*
5514 Stanton Avenue, #4
Pittsburgh, PA 15206
Via First Class, U.S. Mail

All Counsel of Record
Via Electronic Mail